G. M. 1930

29 & 30.

Sl. No 21. 23. 26, 30, 33. 34.

Regarding the reimbursement of the Expenditure incurred by the Bangalore Race Club, owing to the incurred by the Division of the Race Course Road,

App. F. IX-4

1931.

File No. 29-3a

Previous References

G.M 29-3a vb 5-1a-11-12-13-14-15-17.
Mad 180-224 vb 1-2

Serial Nos. 21-23, 26, 30-33, 36.

Later References

G.M 29-3 vb 37-38.
Mad 33 32-57, 70-72.
G.M 76-33 vb 1-6.
" 48-35, v 1-2

General and Revenue Secretariat.

Serial Nos. 8

Part B for November 31.

SUBJECT.

Regarding the reimbursement of the expenditure incurred by the Bangalore Race Club, owing to the cancellation of the diversion of the Race Course Road.

NK. 26/11/31.

766 4612.

App. F. III—2]

General and Revenue Secretariat

File No. 29 of 1930.

Serial No.	
21	From Mr. V. P. Madhava Rao, C.I.E. dated 15-1-31 objects to the closing of the Race course Road.
22	From the President, The Bangalore Rate Payers' Association. dated 15-1-31. Forwards a copy of minute 6 of the Proceedings of the meeting held on the 10th Jan 1931 about the closing of the Race Course Road.

subd with references for orders.

21/1/31 (Chief Secy) 19/1

CHIEF SECRETARY. 19 JAN. 1931

2. Subd for perusal

Hon'ble Member 19/1/31

Dewan

Hon'ble Genl Secy 20/1

3. Please put up the connected letter from the Municipality

Sl. 23 From the Municipal Commissioner, B. city. No. G Fo 189 dated 20-1-1931. Forwards a copy of a Resolution objecting to the grant of the diversion of the Race Course Road.

4. The letter received from the Municipal commissioner, Bangalore city put up and subd.

21/1/31 (Chief Secy) 20/1

CHIEF SECRETARY. JAN. 1931

5. It is ascertained that the Municipal Council have not yet

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8 7 30

Treasury
23 JAN
No. 4042

a copy of their Resolution to the Race Club and have decided not to do so, on the ground that they have no previous correspondence with the Club on the subject except through the Council and therefore refer the matter back to the Council.

This is subject to confirmation

4047

A copy of the resolution will be sent to the Secretary

23/1/31

23/1/31

General and Revenue Secretariat | G.M. File No. 29 of 1930.

Serial No.	
	From the Private Secretary to H.H. D.O.No.C.202, dated 24th January 1931. Stating that he would be coming to Bangalore about the 5th Feb. and enquiring if it would serve any purpose for him to come there earlier to speak about this subject.
	From the Steward, Bangalore Race Club, Letter No.2407/R.D. dated 24th January 1931. Points out the inconvenience that would be caused by re-considering the Govt. Order authorising them to proceed with the diversion of the Race Course road and requesting for a personal interview.
	To the Steward, Bangalore Race Club. No. G.7883, dated 26th Jany. 1931. Fixing the interview at the Sectt. any time between 12 noon and 4 p.m. on the 27th Jan.1931.
	To the Private Secretary to His Highness. No. 7884, dated 26th Jany. 1931. Intimates the inteview with the Steward of the Bangalore Race Club on the 27th, and states after personal discussion, further communication would be addressed to the P.S. to H.H.

12 Noon met Col Newton Secy this morning at the Committee meeting of the Race Club. It

NOTE—Contn. Sheet

WD 02553--50,000—GPB—8-7 30

Re: the completion for the pucca road of Cart Lane from Main, opposite the ... Lane completion, calling for the ... agreement has yet been made. The work has been given to a contractor for Rs 1/- as also it has begun the collection of materials and made a start beginning to the A. Lane commencement, but the progress is far more unsatisfactory, on receipt of this letter. The Main Club committee have asked the contractor to stop work. The committee resolved to obtain legal opinion as to how they should proceed in the event of the contractor ... Mr. Spence & Co ~~holding them~~ to ... action upon the fulfilment of ... engagements.

Sir Charles Derbyshire has, ... telephone to say that he would advise the committee to ... a pleasure and amicable way to the Municipality, pointing out the inconvenience caused by ... change of decision & suggesting some compromise. This may perhaps ... be considered.

29 JAN 1931

27/1/31

A. Mgr. Please see copy of Blyth letter & reply

27/1/31

25/1/31

766. 4880.
830. 4884.

(122)

App. F. III—2]

General and Revenue Secretariat

File No. 29 of 1930.

Serial No.

15. Issue the draft appd: by the chief Secy: at once. (The last paragr: of the anct: to be omitted).

31/1

To: The P.S. to H.H. the Maharaja. (Secret)
No. S.8219 Dt 3-2-1931.
To copy of letter sent to the D'tore of Municipalities.

Sir,

Suggestion

21 5/2

The Municipal Commissioner,
Bangalore City.

No: S. 287 of 13/14-5-31.

I do a copy of the Resolution of the Commissioners meeting in the matter of shifting the present Race Course to Hebbal requesting to intimate the views of Govt.

16. There is no reference in the resolution to the negotiations of the Govt with the Municipality. Now the resolution be sent to the Municipality for their views.

(Refer para 13)

21:5:31

Chief Secretary

17. The Municipal Commissioner has given any reasons for suggesting the Race course should be shifted. It is not clear also what proposal is the result

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8 7 30

File No. of 19

General a... Secret...

6740

MAY 31
No. 10431

29/7/31

I agree that the proposal by the Council cannot be entertained. (The Minister is to send a letter advising them of his decision in cancelling this unlawful resolution.)

31/7/31

3-6-31

22/6/31

Draft Sub.

Being a municipal matter it is for orders if the file may not be Sub. to the Min.

The Council have not finally passed a reso. as they merely want to

General and Revenue Secretariat — File No. 7165/23 of 1930. 12

Serial No.

Views of the Govt on the proposed shifting. The draft reply is for consideration.

Being an important matter, draft cabled.

(Chief Secy) 4/6/31

A 5/20 JN

Personal Letter issued RR 4/6/31

III W. N. Parker

JSS RR 6/6/31

31 TO. The Mund. Com. thro the H. D. Cy. Ill. El. No. S. 12164 dt. 4/6/31 stating that the resolution does not give any reasons for the course suggested & that it is not advisable to give reasons to the individual Union Chairmen.

32 From the Asstt. Commr. Dt. 3/6/31 No 346 R.D. Dated 5/6/31 states that owing to the alteration of the diversion of the Road the club has been put to considerable expense and requests to reimburse them for the same.

21 Submitted with reference (Note para 12 ante).

(Chief Secy)

NOTE—Contn. Sheet.

8/7

WD/02563—G PB—50,000—8 7 30

CHIEF SECRETARY'S 4 JUNE 1931

OFFICE OF THE THIRD MEMBER OF COUNCIL 4 JUNE 1931 No. 8882

FINANCIAL CONS. 10 JUNE

8 JULY 1931

8

2

File No. of 195

General and Reg...
Secretariat

...Send a copy of the Communication ...
... Municipal Commissioner and inform ...
... the Municipal Council in reply ...
... to their letter ...

Secret Number 10/7/31(D)

Kurrachee

...

...

...

May the receipt of the obtained statement of expenditure from the Commissioner be awaited?

...

Not necessary.

...

...

...

General and Revenue Secretariat | File No. 396 of 193 | 2-200 | App. F. III—2]

Serial No.	
33	To the Commissioner, Bldre city Municipality No. G. 973. Dated 29-7-31. Forwards a copy of the letter of the Secy Bldre Race club, dated 7-7-31 and enquires what they propose to do in the matter. 32) Subd. with a draft reminder. Gl Wt 2/10 31) Issued 2.10.31.
36	From the Municipal Commissioner, No. G. 2099. Dt 31-10-1931. states that the council do not feel called upon to reimburse Bangalore Race club on any expenditure that may have been incurred by them. 32) Subd. for orders. Vide paras 22-24. Dt 2/11 Wt 3, Genl: Secy) 33) There is a suggestion at Compromise in Mr N. Madhava Rao's note Dat 27.1.31. This seems to be the best way out II Member) Devan 3/11 Hm 10/11 (2.11.31)

DEWAN'S OFFICE. 3292 11. NOV. 1931

I SUS

Dt 31/7.

GENERAL SECRETARY 1 NOV 1931

TYPING SECTION 3. OCT. 1931 GENL. & REV SECTT.

2/11

GENERAL SECRETARY 2 NOV. 1931 No. 306

(paras 12+13)

OFFICE OF THE SECOND MEMBER OF COUNCIL 10 NOV. 1931 No. 2814/14

Hm 12/11

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

10

396

File No. 6113. General Land Revenue Secretariat

[illegible]

[illegible] Sahib with reference to the 13 [illegible] I am directed that as the [illegible] has submitted [illegible] the Raja [illegible] [illegible] [illegible]

Bangalore 11
15th January 1931
Fin 25-30-21

GENERAL 4511 3 DRAFTS
16 JAN 1931

From

V. P. Madhava Rao C.I.E.
Palace Bhavan
Bangalore

Draft paper sent
Put up
15 JAN. 1931

To

The Chief Secretary to the
Govt. of Mysore, Bangalore

Sir,

With reference to the proposal to close the Race Course Road appearing in the Daily Post of the 7th & 12th instants I have the honor to represent that the Race Course Road was once before diverted about 3 or 4 years ago. This road was formerly running straight from the Geological Office to the Western Extremity of the Race Course in front of the Palace Bhavan Southern Gateway. At present, on account of the deviation caused by additional buildings being put up at the main entrance of the Race Course, the Road

has taken a bend causing much inconvenience to pedestrians and motorists.

The nearest way from the Cantonment to the City Railway Station is by the present Race Course Road. Any further deviation by the closure of the R.C. Road from the West end Rede and in front of the Purna Prasad on the Southern side will compel one to take a longer and devious course negotiating some very nasty curves, corners and levels.

The normal and favorite route for the fast going armoured cars, Postal Vans and other conveyances is by this Road. even for the Royal & Viceregal processions from the Railway Station this road was formerly, within my experience, the usual route. I do not understand why these processions have been discontinued and diverted to other routes.

great hardship
It will be a ~~[illegible]~~ to close
it altogether for public purposes.

Under these circumstances
and in the interests of public
safety, it is highly desirable to
abandon the present proposal
in whatever stage it may be.

I have the honor to be
Sir,
Your most obedient
servant.

V Madhava Rao

THE BANGALORE RATE PAYERS' ASSOCIATION.

Extract of minute No.6 of the Proceedings of the Bangalore Rate Payers' Association, that was held on Saturday, the 10th January 1931, at 8-30 A.M. in the compound of St. Francis -- Xaviers Church, St. John's Hill, Bangalore.

X X X X X X X X X X

Closing of the Race Course Road:-

Read Mr C.S. Cline's letter dated 8th January 1931 and -- the Article in the Daily Post of 7th January 1931 under the -- above heading.

Resolved unanimously that the proposal to close the Road in the interests of the Race Club which represents only a handful of persons, is most inconvenient and unfair to the general public who have enjoyed the right of way of this road for --- years; and this Association accordingly respectfully protests against the closure of the road and prays that the Authorties will kindly consider and see their way to abandon the proposal at whatever stage it may be at present. Copies of the resolution to be sent to (1) The President, Municipal Council, --- Bangalore City, (ii) The Chief Secretary to the Government of Mysore, and (iii) The Huzur Secretary to His Highness the --- Maharaja of Mysore.

X X X X X X X X X X X

"COPY"

C V Venkatachari

President,

The Bangalore Rate Payers' Association.

for 29-30-22

14

The Bangalore Rate Payers' Association

(REGISTERED UNDER ACT VII OF 1913)

217, CHICK BAZAAR ROAD.

Bangalore, 15th January 1931.

From

THE PRESIDENT,
The Bangalore Rate Payers' Association.

To

The Chief Secretary to the
Government of Mysore,
Bangalore.

CHIEF SECRETARY. 15 JAN. 1931

GENERAL BRANCH 4524 16

T41

Sir,

Subject:- Closing of the Race Course Road.

I have the honor to forward herewith for favour of sympathetic consideration and disposal, a copy of minute 6 of the Proceedings of the meeting of this Association that was held on the 10th January 1931.

I have the honor to be,

Sir,

Your most obedient servant,

President.

Gen 29-30-28 (16

No. GTo 189
Enclo-Three.

CITY MUNICIPAL OFFICE,

Bangalore City, Dated 17th 20 Jan 1931.

GENERAL MISCELLANEOUS BRANCH
4612
21 JAN. 1931
766.

FROM

C. MACHIA, ESQ., B.A.,
MUNICIPAL COMMISSIONER,
BANGALORE CITY.

To

N.Madhava Rao,Esq,B.A.,B.L.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Gen
CHIEF SECRETARIAT
20 JAN. 1931
Put up file
early
Sir

Subject:- Government Order No.G.5655-8/G.M.
29-30-14 dated 26-11-1930 sanctioning
the diversion of the Race Course
Road.

*****

With reference to above I have the honour to state that the Municipal Council at their special meeting held on 16th January 1931 have resolved that the proposed diversion be dropped and that the route be retained as at present. It was unanimously urged that the present road was once diverted and, as it is, it is straighter shorter and more level than the proposed diversion, which latter, by its sharp turns and gradients would be a death trap to traffic. Copies of Mr.V.P.Madhava Rao's letter, resolution of Rate Payers' Association Cantonment are enclosed.

A copy of the resolution of the Council is herewith submitted for favour of early orders.

I have the honor to be,
Sir
Your most obedient servant,

Machia.
Municipal Commissioner.

Forwarded with compliments.

P. Subbarama Chetty
Hon. President.

Proceedings of the Special general meeting of the City Municipal Council, Bangalore, held on Friday the 16th January 1931 at 5 P.M. in the Council Chamber of the City Municipal Office for considering the subject re: the diversion of the Race Course Road sent up by 11 members of the Council.

P r e s e n t.

P. Subbarama Chetty, Esq, Honorary President.

Councillors.

1. Mr.S.K.Venkatarangiengar,
2. Mr.W.H.Hanumantappa,
3. Mr. K.T.Bhashyam Iyengar,
4. Mr. Ramlal Tiwari,
5. Mr. Hoskote Bhadrappa,
6. Mr.B.K.Garudachar,
7. Mr. B.L.Byanna,
8. Mr. C.N.Narasinga Rao,
9. Dr. D.Gopalakrishna Rao.
10. Mr . M.P.Somasekhara Rao,
11. Dr.D.S.Ramachandra Rao,
12. Mr.S.Venkatapathiya,
13. Mr. N.Balakrishniya,
14. Mr. Khaja Mohamed Khader Sheriff.
15. Mr. C.Vijayarangam Naidu,
16. " Thangavelu Pillai,
17. Dr.M.Royan,
18. Mr. Mohamed Hussain.

A b s e n t.

1. Mr. Belur Srinivasiengar,
2. Mr.Y.H.Venkataramanappa,
3. Mr.B.S.Sankarappa Setty,
4. Mr. D.Venkataramanappa,
5. Mr. K.Srikantaiya,
6. Mr. V.S. Sreenivasa Setty.
7. Miss. Ruth E.Robinson,
8. Mr. Abdul Majid,
9. Mr.O.S.Nasrulla Sheriff,
10. Mr.B.Kempanna,
11. Mr.V.Sundera Murti.

*****

Mr.K.T.Bhashyam Iyengar proposed that the proposal to divert the existing Race Course Road be dropped and the route be retained as at present.

Mr. B.K.Garudachar seconded it.

After some discussion Mr.S.K.Venkatarangiengar proposed an amendment that the following be added to the proposition of Mr.K.T.Bhashyam Iyengar " and the Race Course authorities be informed that the Council is not in favour of permitting any diversion."

Dr.D.S.Ramachandra Rao seconded.

Mr. N.Balakrishnaiya in further supporting the amendment stated that the Race Course authorities may be informed of the Council resolution if it could not be added as an amendment. Mr.S.K.Venkatarangiengar then proposed that his amendment might be taken as follows:-

" I am prepared to adopt Mr.Balakrishnayya's amendment

(18)

to the proposition suggested by me I move the amend-
amendment in the altered manner. This the seconder ment
accepts."

The President gave a ruling that since this amendment was moved after the reply of the mover the amendment could not be allowed.

Then the first amendment of Mr.S.K.Venkatarangiengar was put to vote and lost 4 voting for and 12 against.

Then the main proposition of Mr.K.T.Bhashyam Iyengar was put to vote and passed unanimously.

Sd.P.Subbarama Chetty,
Hon.President.

"Copy"

For Municipal Commissioner.

Copy of letter dated 15th January 1931 from the President, The Bangalore Rate Payers' Association, Bangalore, -to the President, City Municipal Council, Bangalore.

*****

Subject:- Closing of the Race Course Road.

I have the honor to forward herewith for favour of sympathetic consideration and disposal, a copy of minute 6 of the Proceedings of the meeting of this Association that was held on the 10th January 1931.

"Co py"

Municipal Commissioner.

THE BANGALORE RATE PAYERS' ASSOCIATION.

Extract of Minute No.6 of the Proceedings of the Bangalore Rate Payers' Association, that was held on Saturday the 10th January 1931, at 8-30-P-M-in the compound of St.Xxx Francis Xaviers Church, St.John's Hill, Bangalore.

x x x x x x x x x

Closing of the Race Course Road

Read Mr.C.S. Cline's letter dated 8th January 1931 and the Article in the Daily Post of 7th January 1931 under the above heading (g.

Resolved unanimously that the proposal to close the road in the interests of the Race Club which represents only a handful of persons, is most inconvenient and unfair to the general public who have enjoyed the right of way of this road for years; and xxxxxxxx this Association accordingly respectfully protests against the closure of the road and prays that the Authorities will kindly consider and see their way to abondon the proposal at whatever stage it may be at present. Copies of the resolution to be sent to (i) The President, Municipal Council, Bangalore City, (ii) The Chief Secretary to the Government of Mysore, and (iii) The Huzur Secretary to His Highness the Maharaja of Mysore.

x x x x x x x x x x

"Copy"

Sd.

PRESIDENT.

The Bangalore Rate Payers' Association.

"Copy"

for Municipal Commissioner.

(24)

Letter dated 15th January 1931 from Mr.V.P.Madhava Rao,C.I.E ., Patan Bhavan, Bangalore, to the President, City Municipal Council, Bangalore.

****

With reference to the proposal to close the Race Course Road appearing in the Daily Post of the 7th and 12th instants I have the honor to represent that the Race Course Road was once before diverted about three or four years ago. This road was formerly running straight from the Geological Office to the western extremity of the Race Course in front of Patan Bhavan southern gateway. At present on account of the deviation caused by additional buildings being put up at the main entrance of the Race Course, the road has taken a bend causing much inconvenience to pedestrians and motorists.

The nearest way from the Cantonment to the City Railway station is by the present Race Course road. Any further deviation by the closure of the road from the West End Hotel and in front of Purna Prasada on the southern side will compel one to take a longer and devious course negotiating some very nasty curves, corners, and levels.

The normal and favourite route for the fast going armoured and other cars, Postal vans and other conveyances, is by this road. Even for Royal and Viceregal processions from the Railway station this road was formerly, within my experience the usual route. I do not understand why these processions have been discontinued and diverted to other roads. It will be a great hardship to close it altogether for public purposes.

Under these circumstances and in the interests of public safety it is highly desirable to abandon the present proposal in whatever stage it may be.

"Copy"

Municipal Commissioner.

(2)

Appendix F G—1

SUBJECT.....

.....

.....

Section Gen

File No. 29-30

Diary No. of letter replied to.....

Serial No. 26

No. G. 7807.

General and Revenue Secretariat

( )

the 193 .

To

The Hon. Secy

Race Club, Bangalore

Date of issue 23.1.31

Sir,

Signed by Mr. N. D. Rao

I am directed to inform you that ~~the Municipal Council, Bangalore has~~ ~~resolved, Not~~ ~~to take objection to~~ ~~the diversion of the Race~~ Course Road sanctioned ~~vide~~ ref to Govt No. G. 5755-8 from 29-30-14 dated 26-11-1930 ~~and they have~~ resolved that the proposed diversion be dropped ~~and that the~~ the existing route being retained as at present.

Jeypore Dy

List of enclosures.....

regarding the proposed diversion of the Race course Road and to state that the Mun. Council, B'lore

Examined by.....

have received a resolution

[over

WD 02559—GPB—25,000—25-6-30

I am to state that
I am to state that in the
Circumstances I cannot recommend
the G.O affirming
of the scheme
Kept in abeyance.
I am to add that pending further
Govt. orders
the G.O. cannot be cancelled
Kept in abeyance
by the Govt.

I have etc.

Sd

Under Sec. to Govt.

To
The Director of Public Instruction.
Madras.

G.780 Edl 5 33-3.

Dated 10th Feb.

I am directed to forward
herewith a copy of the Communicati
from the Director of Public Instructi
and to state in reply
that the scheme
cannot be given effect to.

I have etc.

Sd

Under Sec. to Govt.

(draft)

G.7807 & 23.1.31.

N. Madhava Rao Esq., B.A., B.L.,
Chief

The Honorary Secretary,

Race Club, Bangalore.

I am directed to refer to Government Order No.C.5655-8/G.H. 29-30-14 dated 26th November 1930 regarding the proposed diversion of the Race Course Road and to state that the Municipal Council, Bangalore City have recently resolved that the proposed diversion be dropped the existing route being retained as at present.

I am to state that in the circumstances the question requires reconsideration and the Government Order approving of the scheme has to be kept in obeyance.

I have the honor to be,

Sir,

Your most obedient servant,

for Chief Secretary to Government.

C.202

G.M
Register & bring up in file
new 25/1

VASANTHA MAHAL,

Mysore, 24th January, 1931.

GENERAL MIC 4691 UJS ERANCH
26 JAN.

Dear Mr Madhava Rao,

I have just received your letter No.G.7808/G.M., 1929-30 of the 23rd instant stating that the Government Order approving the scheme for the diversion of the Race Course road has to be kept in abeyance. Meanwhile I have had a conversation on the telephone with Colonel Newton-Davis on the subject.

He is naturally very disappointed about it as we have entered into very heavy commitments on the strength of the Government Order, and it is very difficult to know what action to take if the reconsideration of the matter is likely to take a long time.

The position is possibly rendered more difficult by the fact that Sir Mirza has now postponed his return for a week, since I suppose it is quite possible that the Government will wish to await his return before coming to a final decision.

Meanwhile I wonder if there is any use replying to the arguments put forward by the objectors. The principal one seems to be that this road forms the link between the City and the Civil and Military Station. A glance at the map will show that it does not lie between them at all, the Post Office road being the real link. It might with more truth be said that it is a link between the two railway stations but even in that case you have an alternative route via Avenue Road and Sheshadri Road which I believe is just as short.

I am proposing to make my next visit to Bangalore about the 5th February. If you think it would serve any purpose for me to come in earlier about this matter, I should be very glad if you would let me know.

Yours sincerely,

G Rahmet

TELEGRAPHIC ADDRESS:
"RACES"
TELEPHONE: 385

BANGALORE RACE CLUB,
RACE COURSE ROAD,

No.2407/R.D.

Bangalore, 24th January 1931

SPECIAL MISCELLANEOUS
4692
26 JAN.

From

Lt.Col.C.Newton-Davis, M.C.,I.M.S.,
Steward, Bangalore Race Club,
Bangalore.

To

N. Madhava Rao, Esq., B.A.,B.L.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

With reference to your No.G 7807/G/M 29-30-20, I note that the Government Order authorising us to proceed with the diversion of the Race Course Road is to be held in abeyance.

I would point out that this order was dated November 26th last. Immediately on receipt of the Government Order we proceeded with the diversion. An area of land value Rs.10750/- was purchased from the West End Hotel.

A contract was entered into for the necessary work on the new road at a total cost of Rs.17525/-. This has already commenced. "Race Cottage" the residence of the Assistant Secretary was vacated and arrangements made for his accommodation elsewhere.

It will be seen therefore that the Race Club is committed to a very considerable extent. Further would I point

TELEGRAPHIC ADDRESS:
"RACES"

TELEPHONE: 385

BANGALORE RACE CLUB,
RACE COURSE ROAD,

27

Bangalore, 24th January 1931.

out that cessation of the work now is a serious matter.

I should be very glad if you will give me an appointment as soon as possible that we may discuss this matter, Any time on 26th or 27th would suit me.

I have the honour to be

Sir,

Your obedient servant,

C. Newton-Davy

Lt.Col.I.M.S

TELEGRAPHIC ADDRESS:
"RACES"
TELEPHONE: 385

BANGALORE RACE CLUB,
RACE COURSE ROAD,

Bangalore, 26th January 19 31

Ro. No. 2408-C.C.

The Members of the Committee,

BANGALORE RACE CLUB.

An emergent Committee Meeting will be held at the Race Club, tomorrow - TUESDAY, 27th January 1931, at 7-30 A.M.,

Agenda.

1. To read and confirm minutes of the Committee Meeting held on 17th January 1931.
2. To discuss action of Mysore Government in directing the Race Club to hold the Diversion of the Race Club Road in abeyance.
3. Any other business.

C. Manthiseth Lt.Col.,
STEWARD, Bangalore Race Club.

N.Madhava Rao, Esq.,
Bangalore.

29

26th January 1931.

G.7883 & 26.1.31.

4.45 p.m

Dear Col. Newton-Davis,

I am desired to acknowledge the receipt of your letter No. 2407/R.D. dated the 24th January 1931 on the question of the proposed diversion of the Race Course Road.

I should be very glad to discuss the matter with you, if you could kindly call at the Secretariat any time between 12 noon and 4 p.m. to-morrow the 27th instant.

Yours sincerely,

To

Lt. Col. C. Newton-Davis, M.C., I.M.S.,
Steward, Bangalore Race Club,
Bangalore.

30

26th January 1931.

G.7884 & 26.1.31.

4.45 pm
mt

Dear Sir Charles,

I am in receipt of your D.O. letter No. C.202 dated the 24th January 1931 regarding the scheme for the diversion of the Race Course Road.

Col. Newton-Davis has made an appointment to meet me to-morrow and after we have had a preliminary talk about the matter, I shall write and let you know whether it would be necessary for you to come here earlier than the 5th February in this connection.

Yours sincerely,

nen

To

Sir Charles Todhunter, K.C.S.I.,
Private Secretary to His Highness
the Maharaja of Mysore.

Both
Both the letters have issued
mz 26/1
26/1

(31)

BANGALORE RACE CLUB

2630

30th JANUARY 1931

The Members of The Committee, ,

BANGALORE RACE CLUB.

GENERAL MISCELLANEOUS BRANCH
4880
31 JAN.

There will be a meeting of COMMITTEE MEMBERS , *at the Race Club, on* SATURDAY-7th FEBRUARY 1931 , *at* 7-30 *a.m./p.m.*

AGENDA

1. To read and confirm minutes of the Committee Meeting held on 27th January 1931.
2. To discuss progress made on Improvements in hand.
3. To decide the matter as to whether the Gymkhana accounts shall in future be entirely separate from the General account.
4. To discuss the cancellation of certain minutes that have been superceded by subsequent minutes.
5. To discuss Totalisator arrangements for next season.
6. To discuss certain repairs and renewals to Club property.
7. Any other business.

Capt.,
Assistant Secretary, B.R.C.

Ry 8154
Sw 1.

31.1.1931

(32

To

The Municipal Commissioner,
Bangalore City Municipality,

Through the President, Bangalore City Municipality.

Sir,

With reference to your letter No.189 dated 28th January 1931 forwarding a copy of the proceedings of a special General Meeting of the City Municipal Council, Bangalore, held on the 16th January 1931 for considering the subject of the diversion of the Race Course Road, I am directed to state that the substance of the resolution of the Municipal Council was communicated to the Committee of the Bangalore Race Club and I am to enclose herewith a copy of the reply received from them.

I have, etc.,

Chief Secretary to Government.

31-1-31

Issue 31/1

C.234

Encl 2.

PRIVATE SECRETARY MYSORE

VASANTHAMAHAL,
MYSORE.
31st January 1931.

(33)

GENERAL MISC... GRAHAM
4884
21 LB 30

D.O. 296 1st February

Dear Mr. Madhava Rao,

With reference to our telephone conversation of this afternoon I send you herewith a copy of my letter to Col. Newton-Davis about the question of the diversion of the road together with one of the draft which I thought we might place before the Municipality if we found that this scheme was practicable from our point of view.

You will see from the P.S. that I have entered a question whether it would be better tactics simply to ask them to meet us in the first instance and to develop the proposal for a compromise at the meeting.

Yours sincerely,

C S Srinivasachar

Sub'd for perusal

Dewan) 2/2/31

3/2/31

VASANTHAMAHAL,

MYSORE.

31st January 1931.

(34

Dear Mr. Madhava Rao,

With reference to our telephone conversation of this afternoon I send you herewith a copy of my letter to Col. Newton-Davis about the question of the diversion of the road together with one of the draft which I thought we might place before the Municipality if we found that this scheme was practible from our point of view.

You will see from the P.S. that I have entered a question whether it would be better tactics simply to ask them to meet us in the first instance and to develop the proposal for a compromise at the meeting.

Yours sincerely,

31.1.31

THE PALACE,

Mysore, 30th January, 1931.

My dear Newton-Davis,

I have just received a copy of the resolution of your emergency meeting held on Tuesday the 27th, which I have discussed with Shah and Nabi Khan.

I should like to say in the first place with reference to it that, if the Race Club Office had only told me what the meeting was called to discuss, I should have made a special effort to go in in time to be present at it. All they told me was that it was an emergency meeting, and when I tried to get them again on the telephone, there was nobody at the office. As I had asked Madhava Rao specially to let me know if there is any need for me to go in before the meeting of the 7th February in connection with the diversion of the road, and had had no reply from him, I concluded that it must be to discuss some other matter.

I have already mentioned to you the possible compromise that I was proposing to suggest as a last resort, namely, that we should ask the Municipality to let us go on with the construction of the new road and at the same time to agree to let us close the existing road from the Spencer's Hotel to the Western gate of Purna Prasad on race days.

I am not quite sure whether we could fit our schemes in so as to make an arrangement of this sort workable, but I am inclined to think that we could, if we could find some scheme of barriers that would keep the public out of our premises on both sides of the road ordinarily, but would be removable when we wanted it on race days. If we could do this, we could use the whole length of the road adjacent to Purna Prasad for parking carriages and could have the paddock, the stables and perhaps the tote on the far side of the road and so relieve the congestion near the stands.

The whole scheme, however, would be a good deal more difficult to work out than that which we have been working on hitherto, and I

would suggest that, before putting it forward at all, we should examine the possibilities very carefully ourselves.

If we came to the conclusion that we could work out a satisfactory scheme on this basis, then I would suggest that we should ask the Municipality to depute a small deputation of their members to come and discuss the possible means of adjustment with us. I hope they will feel that they have treated us very badly and be prepared to meet us on such a modification of the scheme.

Meanwhile I need hardly say that it will be necessary to be as pacific as possible as I am afraid, if we once get the idea got about that we were going to put the Municipality into Court, we should invite reprisals for which they have a good many facilities offered them by their position.

In case you and other members of the Committee should think it worth while to try to work out a scheme on these lines, I have roughed out the draft herewith in consultation with Shah and Nabi Khan. I should be grateful if, provided you agree that the scheme is possible at all, you will revise and amend it as you think necessary with a view to consideration at the meeting on the 7th February. That would give us a week to go into the details of the scheme before Sir Mirza Ismail returns. In any case I think we should await his return and advice upon the whole matter before we make any move.

I don't know if it is worth while pointing out that the real trouble lies in the fact that the only way of access to the platforms of the City Station is by going a long way to the North of it to get under the line. If there were any decent access to the station adjacent to the main platforms, the road AXB on the map which I have attached to the draft letter from the War Memorial to the Central Station would be ~~about a quarter of a mile shorter than the~~ road AYB. As it is, ther seems to be little to choose between AXB, AYB and AZB.

Yours sincerely,

P.S. - It might perhaps be better in the first instant to ask for a meeting of representitives and to hold up the proposing of a detail

scheme of compromise until that takes place. That is a matter of t tactics, which we can discuss if and when the general ~~attitude~~ outline of the draft is approved.

To

The President,
City Municipal Council,
Bangalore.

Sir,

I am desired by the Committee of the Bangalore Race Club to say that they have received with astonishment and regret a communication from the Government of Mysore to the effect that your Council has recently arrived at a decision to annul its resolution recorded in April last in favour of the diversion of the Race Course Road, in consequence of which the Government have now directed that the work which has been put in hand with the agreement of your Council should be suspended.

My Committee feel sure that there was no discourtesy intended to them in this sudden cancellation without notice of the decision previously recorded in the matter, and they have no wish on their part to take the legal proceedings which at first sight suggest themselves. They feel sure that the matter is one which lends itself to mutual accommodation, and I am therefore instructed to write to you to ask that your Council will consider the matter as it presents itself to the Committee with a view to a discussion of the possible means of accommodation between members representing both sides.

Without wishing to lay stress on the fact, my Committee think it is a circumstance which the Municipality of the City will not wish to overlook that the existence of a Race Club does much to assist in bringing trade and revenues to the City. In recent years circumstances for which perhaps my Committee may claim a part of credit have led to a considerable development of racing in Bangalore and their sole object in proposing the diversion of the road was to assist in the development of a public institu-

tion

into what they hope will be one of the best race courses in India.

They did not propose the diversion without duly considering the possibilities of objection being taken, and they think it is only right to point out to you that the objection taken, namely, that the Race Course Road is the link between the City and the Cantonment, is taken without much regard to the facts of the case. You will observe from the map of the City and Cantonment which is attached that the actual nearest way between the two is afforded by the Post Office Road and that the Race Course Road does not lie between the two at all.

At the same time it seems desirable to remind you that the action taken in respect of the diversion was not taken without ample notice and elaborate enquiry. As long ago as December 1929 the Government, at the instance of my Committee, appointed a Committee representative of all interests, including your Council, to examine into the matter. Part of the proceedings of that Committee consisted in the placing of the whole subject before your Council upon which that body passed the following resolution:-

"(1) Diversion on the line ABCD in the plan is approved subject to the condition that the Race Club construct the new road AB and round off the corners of Purna Prasada shown in red in the plan at their cost. The portion of the old road AED except the piece included to Purna Prasada being handed over to the Race Club in return.

"(2) The realignment of the Southern compound wall with the refixing of gates should be done by Purna Prasada at their cost in consideration of the strip of land of the portion of the old road being included in their compound.

"(3) The approach road from AB to the East gate of Purna Prasada must be provided by the Race Club".

It was only after the scheme had received the full consent of your Council that the Government accorded sanction to the undertaking, and my Committee therefore, in proceeding to the work, were proceeding with the full consent of the Municipal Council and the Government after an enquiry that had been protracted over thirteen months.

I am sure that your Council will realise that under these conditions my Committee have grave reasons for feeling aggrieved in the sudden rescission of your Council's resolution.

In asking your Council to consider whether some accommodatio is not possible, my Committee do not wish to suggest the examinatio in the first instance of the repayment to them of the considerable amount which they have already expended on the project. It seems to them that, even if the Race Course Road was not closed, there would be an advantage in giving the inhabitants of the Crescent Road an easier access to other parts of the City than they have at present. At the same time it seems possible that while your Council desire to maintain the Race Course Road open as a general rule, they might be willing to agree to its closure for the few days in the year on which races actually take place. While this of course would be a very inferior substitute for the arrangement to which your Council originally gave their sanction, it would at least enable my Committee to utilise the land in their possession on the Northern side of the road which is at present practically useless to them owing to the fact of its separation from the main Race Club premises. At the same time it is believed that the alternative route would be found to be actually more convenient on race days for such members of the public as use the road otherwise than for coming to the races, since at present there is a large congestion of carriages outside the Race Course which they could avoid if there were an alternative route via Crescent road.

I am desired to ask in these circumstances if your Council will be good enough to consider the appointment of two or three representative members who would meet two or three members of my Committee and discuss ways and means for an adjustment on the lines indicated. If they would agree to do this, my Committee feel sure it would be possible to arrive at a settlement which would be agreeable to the major bodies concerned.

I have the honour &c.,

Honorary Secretary.

41

3rd February '31.

G.821/42 & 3.2.31

Dear Sir Charles,

I enclose herewith a copy of the letter sent to the Bangalore City Municipality regarding the diversion of the Race Course Road.

Yours sincerely,

To

Sir Charles Todhunter, K.C.S.I.,
Private Secretary to His Highness
The Maharaja of Mysore,
Mysore.

GENERAL AND REVENUE SECRETARIAT,

Bangalore,.....192 .

42

D. O. No. G.

Dear Sir Charles,

I enclose herewith a copy of the letter which ~~we have issued~~ sent to the Municipality Bangalore city regarding the diversion of the Race Course Road. I do not think that it will in any way prejudice further negotiations that you have in view. On the other hand it may prove a useful preliminary for that purpose.

Yours sincerely,

To

Sir Charles Todhunter, K.C.S.I.,
Private Secretary to His Highness the
Maharaja of Mysore, Mysore.

CITY MUNICIPAL OFFICE,

No. C.D.287 Enclose

Bangalore City, Dated 13th May 193 1.

FROM

C. MACHIA, ESQ., B.A.,
MUNICIPAL COMMISSIONER,
BANGALORE CITY.

To

R. Ranga Rao, Esq.,B.A.,B.L.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

S i r,

I have the honor to forward for information of Government a copy of resolution of the Council meeting held on 4th May 1931 in the matter of shifting the present Race Course to Hebbal and to request you to kindly communicate the views of the Government in the matter.

I have the honour to be,
S i r,
Your most obedient servant,

Machia
Municipal Commissioner.

Forwarded with compliments,

P Subbaraya Chetty
Honorary President.

SM

No. 66.

Proceedings of an Adjourned Meeting of the City Municipal Council, Bangalore, held on Monday the 4th day of 1941 At 4.00 P.M. in the Council Chamber of the City Municipal Office, Bangalore.

Present. :--

P. Subbarama Chetty, Esq., (Hon. President) & Councillors.

1. Mr. [illegible] Varadachar,
2. " [illegible] Ramagunthappa,
3. " Khalal Lalcari,
4. " [illegible] Somasekhara Rao,
5. " P.V. Bhaskarappa Setty,
6. " B.L. Byanna,
7. " [illegible] Poojanna,
8. " O.S. Nasarulla Sheriff,
9. " Mohamed Hussain,
10. Mr. Khaja Mohamed Khader [illegible]
11. " [illegible] Venkataranga Iyengar,
12. " [illegible] Bhashyam Iyengar,
13. " D. Gopalakrishna Rao,
14. " [illegible] Narasinga Rao,
15. " D. Venkataramanappa,
16. " M. Srikantiah,
17. " Y.N. Venkataramanappa.

Absent.

1. Mr. Kolar Srinivasiengar,
2. " Basavaiah Bandroppa,
3. Mr. L.C. Ramachandra Rao,
4. Mr. H. Balakrishnaiya,
5. " [illegible] Venkatappathiga,
6. " B.V. Srinivasa Setti,
7. Miss. Bath [illegible] Robinson,
8. Mr. Abdul Majeed,
9. Mr. [illegible] Ayyan,
10. Mr. Basavayola Nilloi,
11. " V. Sundaramurti.

Vacant. ... One.

Subject No. 44 (2) on the agenda was advanced.

Mr. S.K. Venkataranga Iyengar to move :--

"The present Race Course be shifted to Hebbal the grounds thereof being made available to the Municipality who shall in exchange form a Race Course at Hebbal."

Mr. S.K. Venkataranga Iyengar moved the proposition. Mr. Khaja Mohamed Khader Sheriff seconded.

Mr. B.L. Byanna proposed that the subject be referred to the Managing Committee. Mr. O.S. Nasarulla Sheriff seconded the same. Put to vote and lost 5 voting 'For' and 7 'Against'. Dr. D. Gopalakrishna Rao proposed that the subject be deferred for further consideration and in the meanwhile the views of Government be ascertained in the matter. Mr. S.K. Venkataranga Iyengar seconded the same.

The amendment was put to vote and carried, 8 voting 'For' and 7 'Against'.

"Copy",

For Municipal Commissioner.

3M

Sd. P. Subbarama Chetty,
Hon. President.

G. 12164
Gen. Dy. 30-31
d 8.6.31

DRAFT.

To

The Commissioner,
City Municipal Council,
Bangalore.

Through The President.

Sir,

Your letter No. G. To 287 dated 13/14th May 1931 forwarding, for the opinion of Government, a copy of the resolution of the Council regarding the shifting of the present Race Course to Hebbal, was placed before the Govt. I am directed to say in reply that the resolution does not give any reasons for ~~suggesting the shifting of the Race Course~~ the course suggested by them. It is not also known whether the ~~xxxxxx~~ proposal is the result of any consultation with the Race Club Committee on the subject. Apart from the financial and other ~~difficulties~~ implications involved, ~~to which it does not appear that the Council have given due consideration~~, Govt. are of opinion that it is not advisable to allow the Race Course grounds to be utilised for the construction of houses.

(which require the careful consideration of the M. Council)

~~Govt. therefore do not consider that the proposal of the Council can be entertained~~.

I have, &c.,

RS
4/6/31

for Chief Secy. to Govt.

G.M. 29-30-32

TELEGRAPHIC ADDRESS:
"RACES"

TELEPHONE: 385

BANGALORE RACE CLUB,
RACE COURSE ROAD.

No. 346. R.D.

Bangalore, 7th July 1931.

From

The Asst. Secretary,
Bangalore Race Club,
Bangalore.

GENERAL MISCELL... JUB BRANCH
127
7 JUL 31

To

N. Msdhava Rao, Esqr., B.A., B.L.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

Reference letter No. 2407/R.D. dated 24th January 1931, I have the honour to inform you that owing to the cancellation of the diversion of Race Course Road after it had been agreed to by the Mysore Government, the Race Club has been put to very considerable and unnecessary expense. My Committee trust that the Mysore Government will see their way to reimburse them for this expenditure.

A detail of the expenditure incurred is being drawn up, and will be submitted in due course.

I have the honour to be

Sir,

Your obedient servant,

G Vesey Capt.,
Asst. Secretary, B.R.C.

Appendix F G–1]

SUBJECT.....

.....

.....

Section G.M.

File No. 29-30.

Serial No. 33.

Diary No. of letter replied to.....

No. G. 973/GM

To The Commissioner,
City Municipal Council.
Through the President.

General and Revenue Secretariat

( )

the *193* .

Date of issue 29.7.31

Signed by Mr. N. Deva Rao.

Sir,

I am directed to forward herewith copy of letter No. 340 R.D. dated 7-7-1931 from the Asst. Secretary, Bangalore Race Club, regarding the reimbursement for the expenditure incurred by them, owing to the cancellation of the diversion of the Race course Road, and to enquire whether the Council propose to do in the matter.

I have etc.

Chief Secretary.

List of enclosures.....

Copied by.....

Examined by.....

B 27/7.

Gpr 29-30-36 (48

CITY MUNICIPAL OFFICE,

No. G 2099
Enclosure

Bangalore City, Dated 23rd Oct 1931.

GENERAL MISCELLANEOUS BRANCH
2200
31 OCT 1931

FROM

P. H. KRISHNA RAU, ESQ., M.A.,
MUNICIPAL COMMISSIONER,
BANGALORE CITY.

TO

R. Ranga Rao, Esq., B.A.,B.L.,
Chief Secretary to Government,
Bangalore.

Sir,

With reference to your letter No.G.973/G.m.29-30-33 dated 29th July 1931 enquiring what the Council would propose to do regarding the reimbursement ~~of~~ the expenditure incurred by the Bangalore Race Club, owing to the cancellation of the diversion of the Race Couse Road, I have the honor to state that the Council have at their meeting held on 3rd October 1931 resolved that they do not feel called upon to reimburse the Bangalore Race Club in any expenditure that may have been incurred by them.

A copy of the resolution dated 3rd October 1931 is enclosed for information of Government.

I have the honor to be,
Sir,
Your most obedient servant,

Municipal Commissioner.

Forwarded with compliments,

Hon. President.

(64)

No. 18.

Proceedings of an ordinary General Meeting of the City Municipal Council, Bangalore held on Saturday the 3rd October 1931 at 12 noon in the Council Chamber of the Municipal Office.

PRESENT.

P. SUBBARAMA CHETTY, Esqr.,

Honorary President.

Councillors.

1 Mr. S.K. Venkataranga Iyengar
2 " W.H. Hanumantappa
3 " Belur Srinivasa Iyengar
4 " K.T. Bhasyam Iyengar
5 " Ramlal Tivari
6 " H. Bhadrappa
7 " B.K. Garudachar
8 " Y.H.Venkataramanappa
9 " B.S.Sankarappa Setty
10 " D.Venkataramanappa
11 " B.L. Byanna
12. Mr. C.N.Narasinga Rao,
13. Dr. Gopalakrishna Rao
14. Mr. K. Srikantiaya
15. " M.P.Somasekhara Rao
16. " N. Balakrishniah
17. " Khaja Mohamed Thader Sheriff
18. " Abdul Majeed
19. " O.S.Nasrulla Sheriff
20. " Mohamed Hussein
21. Dr. M.Royan
22. Mr. B.Kempanna.
23. " Thangavelu Pillai.

ABSENT.

1. Dr.D.S.Ramachandra Rao
2. Mr.S.Venkatapathiah
3. Mr. S.V.Sreenivasa Setty
4. " B.D.Naidu
5. Mr. V. Sunderamurthi.

VACANT. - 1.

Subject.

To consider Letter No.G.973-G.M. 29-30-33, dated 29th July 1931, forwarding a copy of the letter No.346, dated 7th July 1931, from the Assistant Secretary, Bangalore Race Club, regarding the reimbursement for the expenditure incurred by them, owing to the cancellation of the diversion of the Race Course Road.

RESOLUTION.

Mr. K.T. Bhashyam Iyengar moved the following resolution:-"This Council regrets that it does not feel called upon to reimburse the Bangalore Race Club in any expenditure that may have been incurred by them." Mr. Belur Srinivasa Iyengar seconded the same.

Mr. B.Kempanna proposed that the subject be deferred for further consideration by the Council.

(51

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.

225
dated

A note on the legal questions arising out of the ~~proposed~~ refusal of the Bangalore city Municipality to effect the diversion of the Race Course Road, is herewith submitted as instructed.

Chief Secy)

DM
29-1-31

SECRETARIAT
27 JAN. 1931

29/1/31

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Facts of the case.

1) The Race Club, Bangalore, made certain proposals regarding the diversion of the Race Course Road so as to allow of the enclosed portion of the Race Club premises being extended. Government in their orders of 27th December 1929 and 1st February 1930 appointed a committee consisting of certain Government officers and the Municipal Commissioners, Bangalore City to go into the question.

2) The Chief Engineer of Mysore who was the Chairman of the above committee sent to the Bangalore City Improvement Committee on 11th February 1930 a copy of the report and the plan relating to the proposed diversion. The Improvement Committee in its meeting of the 5th March 1930 resolved that the proposal to divert the road be approved and suggested certain conditions regarding the construction of the road and other connected works by the Race Club at its cost.

3) This recommendation of the Improvement Committee was duly approved in the General Meeting of the Municipal Council held on 22nd April 1930. The resolution was also communicated to the Chief Engineer who in turn forwarded it to Government as also to the Race Club authorities. Government, thereupon, enquired the Municipal Commissioner in their letter of 19th August as to whether the Jahagirdar of Yelandur and the proprietors of the West End Hotel were agreeable

(5)

to the arrangement proposed and after getting necessary information on this point, Government passed orders on 26th November 1930 regarding the disposal of the road to be abandoned by the proposed diversion. A copy of this G.O. was sent to the Secretary to the Race Club as also to the Commissioner, Bangalore City Municipality.

(4) On receiving some protests regarding this diversion, the City Municipal Council in their meeting of 16th ~~xxxxx~~ January 1931 have resolved that the proposed diversion be dropped and that the road be retained as at present. The Municipal Commissioner has forwarded this resolution through the President for ~~xxxx~~ orders of Government. Pending further consideration, Government have decided to keep the order of 26th November 1930 under abeyance. The Secretary Race Club who was informed of this, states that in pursuance of the G.O. his club has entered into negotiations with third parties and incurred also certain heavy expenses to perform their part of the contract.

(5) <u>Questions that arise for consideration.</u>

(1) Whether the Municipality can now withdraw the approval they had given to the proposal in their resolution of 22nd April 1930?

(2) Whether Government can compel the Municipality to effect the diversion or ~~to do it~~ carry on the work themselves? in spite of the Municipality's Resolution of 16th January 1931?

First question.

6) The general rule of law is that a proposal may be revoked before it is accepted by the promisee and that an acceptance may be revoked before it is communicated to the promisor. (Vide section 5 of the Contract Act). In this case it is rather difficult to say whether the resolution of the Municipality passed on 22nd April 1930 was a proposal or the acceptance of a proposal. There appears to have been no direct correspondence between the Race Club and the Municipality but it is not difficult to see that they may have been brought together into a contractual relationship through the agency of the Chief Engineer acting as Chairman of the Government Committee. In this view, it is possible to construe the resolution as an acceptance of the proposal to divert the Race Course road with which alone the Municipality was mainly concerned and if the communication of the resolution to the Chief Engineer can be taken to be a communication to the promisor, then the Municipality can be held bound to a valid promise which they cannot without the consent of the other party revoke it to his prejudice.

7) This is however a matter purely between the Municipality and the Race Club with which Government need not have much concern.

Second Question.

8) Section 178 of the Municipal Regulation which empowers Government to

provide for the performance of duties imposed on the Municipalities by the Regulation can hardly apply to this case, since the diversion of an existing public street is not one of the obligatory duties of a Municipality.

9) Section 50 Clause (3) empowers Government to resume any property vested in the Municipal Council under the section. But in this case if the property as it is, is resumed, what reverts to Government is the public street and Government even as owners of the soil, will have no power to divert the road as proposed, since they cannot exercise such a power in the case of public highways (A.I.R.1929 Bom. page 94). It is only the Municipality that has the power to divert a public street and when it exercises its powers, the abandoned road reverts to the original owners of the soil, in this case, the Government, who can as such owners dispose of the land as they think fit. It is only in exercise of this right that the G.O. of 26th November can be construed to have been passed.

10) The only other section in the Municipal Regulation that can have some bearing on this, is section 176. It says

"Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time.--

(a) to construct any work or works of a permanent nature which, in the opinion of Government, is or are neces-

sary

(51)

necessary or desirable for the health, safety or convenience of the inhabitants, whether within any Municipality or without it wholly or in part."

ii) If it can be established that the proposed diversion of the Race Course Road is desirable for the health, safety or convenience of the inhabitants whether within or without the Municipality wholly or in part, then it is possible for Government to use in this case the special powers vested in it under this section.

B Nageshrao

27.1.1921.